

**Amendments to the Drawings:**

The accompanying Replacement Sheet includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Fig. 1, descriptive text labels have been added for each component. The accompanying Annotated Sheet indicates the changes made to Figure 1. No new matter has been added, and the added descriptive labels are fully supported by the present application, including the specification. Entry and approval of amended Figure 1 is respectfully requested.

Attachments: 1 Replacement Sheet.

1 Annotated Sheet

## REMARKS

Claims 1-14 are pending in the present application. Claims 1, 3, 10, 11 and 14 have been amended.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO 1449 paper and cited references.

In response to the Examiner's objection to Figure 1, Applicant is submitting a Replacement drawing sheet for Fig. 1 and an Annotated sheet showing the changes made to Fig. 1, as required by the Office Action.

In response to the Examiner's rejection of claims 3 and 10 under 35 U.S.C. § 112, second paragraph, Applicant has amended claims 3 and 10 to recite, in relevant parts, "wherein M and N are integers, and wherein N > 2 and (N/2) < M < N." Applicant respectfully submits that claims 3 and 10 are in compliance with 35 U.S.C. § 112.

In response to the Examiner's comment that the phrase "may be" in claims 1, 11 and 14 is not a positive claim limitation (and hence the Examiner has not considered as limiting claim features), Applicant has amended claims 1, 11 and 14 to replace "may be" with "is." In view of the amendment, Applicant submits that the phrase "a message provided for the transmission time slot is transmitted repeatedly within the transmission time slot" is a positive limitation which must be considered as a limiting claim feature.

Claims 1, 4, 5, 11, 12, and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,621,830 ("Semple"). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

To anticipate a claim under 35 U.S.C. § 102(e), a single prior art reference must identically disclose each and every claim feature. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claim feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir.

1997). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 1 recites, in relevant part, “transmitting messages in transmission time slots at a preselected transmission rate, a transmission rate within a transmission time slot being changeable in such a way that a **message provided for the transmission time slot is transmitted repeatedly within the transmission time slot**.” Similarly, amended claims 11 and 14 recite, in relevant part, “second means for changing a transmission rate within a transmission time slot in such a way that a **message provided for the transmission time slot is transmitted repeatedly within the transmission time slot**.” Although the Examiner cites col. 1, l. 58 – col. 2, l. 5 of Semple as teaching the above-recited claim feature, nothing in Semple (including the cited section) even remotely suggests “that a **message provided for the transmission time slot is transmitted repeatedly within the transmission time slot**.” Therefore, claims 1, 11 and 14, as well as their dependent claims 4, 5 and 12, are allowable over Semple.

Claims 2, 3, 8, 9, 10 and 13 are rejected under 35 U.S.C. § 103(a) as obvious over Semple in view of U.S. Patent No. 4,709,376 (“Kage”). Applicant respectfully submits that the rejection should be withdrawn for at least the following reasons.

Claims 2, 3 and 8-10 depend from claim 1, and claim 13 depends from claim 11. As noted above in connection with claims 1 and 11, Semple fails to teach or suggest “that a **message provided for the transmission time slot is transmitted repeatedly within the transmission time slot**.” In addition, Kage clearly does not teach or suggest this claimed feature. Therefore, the combination of Semple and Kage clearly fails to render obvious independent claims 1 and 11, as well as their dependent claims 2, 3, 8-10 and 13.

Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as obvious over Semple in view of U.S. Patent Application 2002/0126691 ("Strong"). Applicant respectfully submits that the rejection should be withdrawn, for at least the following reasons.

Claims 6 and 7 depend from claim 1. As noted above in connection with claim 1, Semple fails to teach or suggest "that a **message provided for the transmission time slot is transmitted repeatedly within the transmission time slot**." In addition, Strong clearly does not teach or suggest this claimed feature. Therefore, the combination of Semple and Strong clearly fails to render obvious claim 1 and its dependent claims 6 and 7.

### CONCLUSION

It is respectfully submitted that all pending claims of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,

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**CUSTOMER NO. 26646**

FIG. 1

